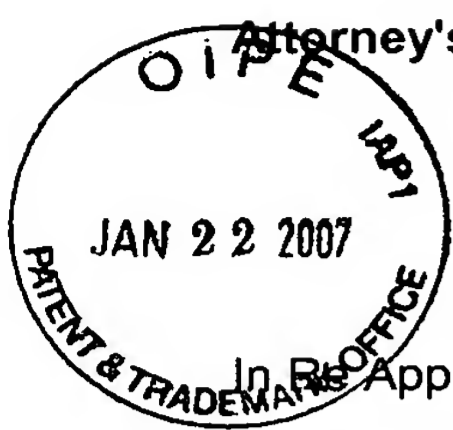


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Attorney's Docket No. PA-5341-RFB

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Application of David Ernest Hartley

Atty. Docket No.: PA-5341-RFB

Customer No.: 9896

Serial No.: 10/645,095

Group Art Unit: 3734

Filed: August 21, 2003

Examiner: Kevin Thao Truong

Title: COMPOSITE PROSTHESIS

Commissioner for Patents  
Alexandria, VA 22313

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT BEFORE  
MAILING DATE OF EITHER A FINAL ACTION OR NOTICE  
OF ALLOWANCE (37 CFR 1.97(c))

NOTE: "An information disclosure statement shall be considered by the Office if filed ... before the mailing date of either (1) a final action under § 1.113 or (2) a notice of allowance under § 1.311, whichever occurs first, provided the statement is accompanied by either a certification as specified in paragraph (e) of this section or the fee set forth in § 1.17(p)." 37 CFR 1.97(c).

NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING  
☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450

FACSIMILE  
☐ transmitted by facsimile to the Patent and Trademark Office

Date:

January 17, 2007

Signature

Pamm Garwood  
(Type or print name of person certifying)

(Transmittal of Information Disclosure Statement before Mailing Date of  
Either A Final Action Or Notice of Allowance [6-4] -- Page 1 of 3)

01/23/2007 WASFAW1 00000095 132528 10645095

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NOTE: "If information submitted during the period set forth in 37 CFR 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, [if] the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 CFR 1.17(p), the Office action shall not be made final." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 CFR 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

### TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed **after** three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but **before** the mailing date of either:

- (1) a final action under § 1.113 or
- (2) a notice of allowance under § 1.311,

whichever occurs first.

### CERTIFICATION OR FEE

2. Accompanying this transmittal is:  
(check either A or B below)

A. ☐ a certification as specified in 37 CFR 1.97(e)

OR

B. ☒ the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00).

### FEE PAYMENT

(Complete this item, if applicable)

3. Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00)

Fee due \$ 180.00

(Transmittal of Information Disclosure Statement before Mailing Date of  
Either A Final Action Or Notice of Allowance [6-4] -- Page 2 of 3)

**METHOD OF PAYMENT OF FEE**

4. ☐ Attached is check in the amount of \$\_\_\_\_\_

☒ Charge Account No. 13-2528 in the amount of \$180.00  
A duplicate of this request is attached.

If any additional fees are due, please charge Account No. 13-2528.

Date: Jan 17, 2007

Reg. No.: 30,056

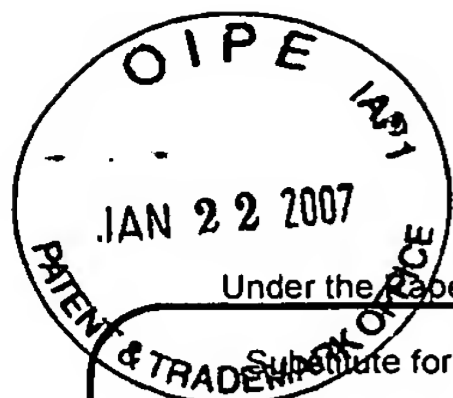
Tel. No.: (812) 330-1824

  
SIGNATURE OF ATTORNEY

Richard J. Godlewski  
(Type or print name of attorney)

P.O. Box 2269  
(P.O. Address)

Bloomington, IN 47402

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1

of 1

**Complete if Known**

Application Number	10/645,095
Filing Date	August 21, 2003
First Named Inventor	David Ernest Hartley
Art Unit	3734
Examiner Name	Kevin Thao Truong
Attorney Docket Number	PA-5341-RFB

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 5387235	2/7/1995	Chuter	
		US- 5720776	2/24/1998	Chuter et al.	
		US- 5916263	6/29/1999	Goicoechea et al.	
		US- 6206931	3/27/2001	Cook et al.	
		US- 6325823	12/4/2001	Horzewski	
		US- 6409756	6/25/2002	Murphy	
		US- 6939370	9/6/2005	Hartley et al.	
		US- 2003/0120332A1	6/26/2003	Hartley	
		US- 2003/0233140A1	12/18/2003	Hartley et al.	
		US- 2004/0054396A1	3/18/2004	Hartley et al.	
		US- 2004/0106978A1	6/3/2004	Greenberg et al.	
		US- 2004/0256759A1	12/23/2004	Hartley	
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**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		WO 98/53761	12/3/1998	William A. Cook Australia		
		WO 99/29262	6/17/1999	William A. Cook Australia		
		WO 03/034948	5/1/2003	Cook Incorporated		

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.